

DADY & GARDNER, P.A.

LAWYERS FOR FRANCHISEES

"Putting franchisees and dealers first for over 25 years"

J. Michael Dady

Attorney

Admitted in Minnesota and South Dakota

jmdady@dadygardner.com

Direct: 612-359-3500

5100 IDS Center
80 South Eighth Street
Minneapolis, MN 55402
Office: 612-359-9000
Fax: 612-359-3507
www.dadygardner.com

November 25, 2019

VIA ECF

The Honorable Susan Richard Nelson
United States District Court
U.S. Courthouse
774 Federal Building
316 N. Robert St.
St. Paul, MN 55101

RE: *Mainstream Fashions Franchising, Inc. v. All These Things, LLC, et al.*

Court File No.: 19-cv-02953 SRN/HB

Initial Response to Request for an Expedited Hearing

Dear Judge Susan Richard Nelson:

My firm, Dady & Gardner, and I represent the Defendants in the above-captioned matter.

We just today received from Mainstream's counsel, Craig Miller, what he has advised me is "a copy of all of the file pleadings," some of which I just recently learned were filed last week. Today, we also received a copy of his November 25, 2019, letter to you.

For the reasons we will substantively address in a letter to you, with a copy to Craig Miller, by noon tomorrow, we do not believe any Expedited Hearing, to address all, or any, of the issues that arose as a result of Mainstream wrongfully terminating our clients two Mainstream franchises effective November 1, 2019, is necessary.

It is the case that, in an effort to meet their duty to mitigate the damages which Mainstream has caused to them by wrongfully terminating their two Franchise Agreements, the clients have opened two independent women's clothing and accessories stores at two of their leased locations. On November 15, 2019, we commenced an arbitration seeking all appropriate relief for that wrongful termination, including a declaration that our clients' post termination mitigation efforts are lawful, and

November 25, 2019
Page 2

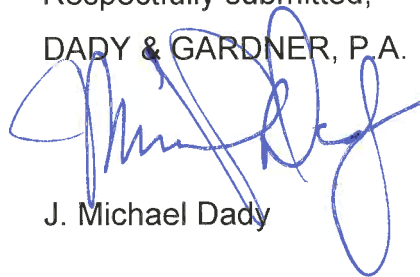
that, for multiple reasons, Mainstream's post termination non-compete provisions are void or voidable under both North Carolina and Minnesota law.

We respectfully request that you not respond to Craig Miller's November 25, 2019, letter until after you have had a chance to review our substantive response thereto, which we commit to have to you prior to noon tomorrow, in which we will point out why an Expedited Hearing on Mainstream's motion for a preliminary injunction, filed today, is neither necessary nor appropriate.

Thank you.

Respectfully submitted,

DADY & GARDNER, P.A.

A handwritten signature in blue ink, appearing to read "J. Michael Dady", is written over the printed name and firm name.

J. Michael Dady

JMD/jah

cc: Craig Miller, Esq.
Kristy Miamen, Esq.
Rachel Zaiger, Esq.
Clients